

Ralph Rodriguez  
D# 17A0928  
Housing un. 79-1  
Foothill Correctional

4-20-22

Superintendent

I am writing to you because of the incident that had occurred to me last year regarding C.E.R.T and the Grievance department failing to process my grievances and my Injury report dated 12-30-21 and 12-31-21, both being suddenly lost see attachment.

I am writing to inform you that what's been going on with falsifying of documents and failure to process grievances, and medical assisting with cover-up is a "Conspiracy", and is against the law.

As the Superintendent it is your duty to investigate these issues and to ensure this is put to a stop, and all letters I've written to you goes unanswered and ignored, including letters written to the administrative staff, so I'm ensuring you "an notice", of all these corrupt acts, & Redacted

Ralph Rodriguez

Div # 17A0528

Housing unit 9-1

Fishkill Correctional Facility

P.O. Box 307

Beacon, NY 12508

Dear Superintendent (Bennett)

3-7-22

I am writing to you because on 12-30-21 and on 12-31-21 I was injured due to the malicious intentional acts of C.E.R.T and officer Gibbons and I filed a grievance on 1-3-22 and again on 1-7-22 with no response. I then filed a grievance to appeal the issue to the superintendent on 2-7-22 with again no response and on 3-7-22 I filed a grievance to have all my grievances appealed to C.O.R.C for failure of the ZORC to respond. The supervisor ms Reams has intentionally failed to respond to my grievances or any letters I have written her. She is in violation of the directive 4040 and 4041. failing to perform her duties as The ZORC supervisor and is attempting to hinder my exhaustion of my administrative remedies. I am writing to you about this matter, and I am including all my grievances so you can investigate why ms Reams is not answering any of my grievances and why she is attempting to conceal what happens to the inmates when C.E.R.T assaulted

I am sending to you a copy of all my grievances to put in file to ensure I had attempted to exhaust my administrative remedies and to have you investigate why ms Reams has failed to file any of my grievances in violation of Directive 4040 and 4041.

Mr Burnett far to often ms Reams actions and failure to perform her duties as the ZGRC Supervisor is a big problem and her actions and failure to act will be including her as a defendant in my claim. As the Superintendent I'm humbly requesting you investigate the matter, and move forward accordingly to ensure inmates have an ZGRC program that addresses our issues and problems and not just disregard our grievances and violate our Constitutional right to petition the court. Thank you for your fine respectfully LMK



# Corrections and Community Supervision

KATHY HOCHUL  
Governor

ANTHONY J. ANNUCCI  
Acting Commissioner

TO: RODRIGUEZ, R., # 17A0928 9-1  
FROM: S. Reams, IGP Supervisor *SKR*

SUBJECT: Late Complaint

DATE: 3/10/22

Please be advised that in accordance with Directive # 4040, section 701.5, a, 1: "an inmate must submit a complaint to the clerk within 21 calendar days of an alleged occurrence on an Inmate Grievance Complaint Form (Form # 2131). If this form is not readily available, a complaint may be submitted on plain paper. The Complaint may only be filed at the facility where the inmate is housed even if it pertains to another facility." Note: Exceptions to this time limit or any appeal time limits may be approved by the IGP supervisor under section 701.6 (g).

In accordance with Directive # 4040, section 701.6, g, 1, ii, "an inmate may pursue a complaint that an exception to the time limit was denied, by filing a separate grievance."

It is also noted that in accordance with Directive # 4040, 701, g, 1, I, a: "The IGP supervisor may grant an exception to the time limit for filing a grievance based on mitigating circumstances (e.g., timely attempt to resolve a complaint informally by the inmate, etc.). **An exception to the time limit may not be granted more than 45 days after an alleged occurrence.**"

Your issue concerns an incident dated 12-30-21, which makes this complaint too late to accept for processing. As I stated to you today in the IGRC office area, any incarcerated individual assigned to the general population may follow up on any complaint that they state they have submitted, by asking the housing unit officer to call the IGRC office and then coming directly to the IGRC office. At this time, the incarcerated individual may hand deliver a copy of the allegedly submitted complaint or they may sit down and write another one in the IGRC office. It is advisable to follow up on a complaint, directly with the IGRC office in a timely manner, due to the 21 day time limit from the date of incident to file a complaint.

cc: file

# EXHIBIT

# M

SWORN AFFIDAVIT

I am a inmate at Fishkill Correctional Facility and have multiple medical condition that consist of injuries to my right shoulder, left ankle/leg as well as mental health issues all requiring medication and the medical providers within this facility is severely inadequate. Failing to provide the proper medication and are Deliberately Indifferent to my as well as countless other inmates within this facility. I was approved to get medical boots well over a year ago and was fitted in October of 2021 and to date I have still not received my medical boots. I am suppose to also get surgery on my shoulder, which should have been done months ago, and to date I still have not gotten it. Numerous sick call request goes unanswered, and when I do get called nothing is done to help me with my pain and suffering. The medical staff and providers are Deliberately Indifferent to my medical needs, and grievances are ignored and do nothing to assist. Fishkill Correctional is a Medical facility, and there standard of care is below minimum standard of care and negligence is a common occurrence.

Respectfully submitted by

James Hancy #08A4896  
James Hancy 2-2-22

I'm a inmate incarcerated a Fishkill Correctional Facility, and have severe medical issues, which include CROHNS DISEASE, and the facility has been giving me a different medication than what I've always taken. This medication has severe side effects and causes me severe pain and suffering, all my attempts of getting my proper medication has failed and the medical staff has been Deliberately Indifferent to my medical needs and condition. I am making this sworn affidavit to R. Rodriguez so he can inform the proper authority and or Courts of this facilities actions and failure to act.

Respectfully submitted

x Daniel Thomas  
Print

2-5-22

x Daniel Thomas  
Sign

# **EXHIBIT**

# **N**

STATE OF NEW YORK : COURT OF CLAIMS

Ralph Rodriguez D#17A0928  
-against-

NOTICE OF INTENTION  
TO FILE A CLAIM

INDEX NO. \_\_\_\_\_

THE STATE OF NEW YORK

TO THE ATTORNEY GENERAL OF THE STATE OF NEW YORK

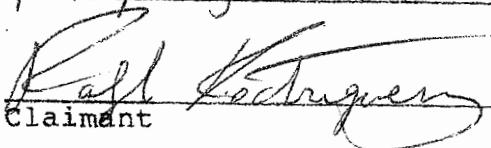
I, Ralph Rodriguez, intend to file a claim against the State of New York, pursuant to Sections 10 and 11 of the Court of Claims Act.

I reside at Fishkill Correctional Facility, P.O. Box 1245, Beacon, New York 12508.

For the time being, I am representing myself.

The time and place where my claim arose and the nature thereof are as follows: On 12-30-21 C.E.R.T (Correctional Emergency Response Team), Came into my housing Unit 9-1, and Deliberately, Sadistically, Maliciously, brutally, attacked and assaulted seven inmates within my unit, myself included. These actions had absolutely no legitimate Penological justification, and was a deliberate indifference to my Federal and civil rights, as well as my Americans with Disabilities Act title II rights. They physically assaulted me severely injuring my Head, Neck, Back, Ribs, Arms, Wrist, Knee, and Ankle. I am fully Disable, and these actions was Completely Unjustified

DATED: BEACON, NEW YORK

  
Ralph Rodriguez  
Claimant

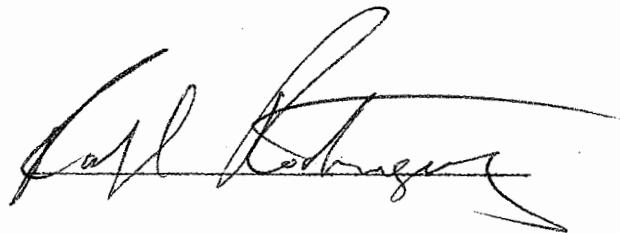
1-10-22

\* If you need more lines to complete the facts of your Notice of Intention use additional paper.

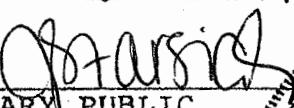
VERIFICATION

STATE OF NEW YORK  
COUNTY OF DUTCHESS

I, Ralph Rodriguez, being duly sworn, state:  
I am the Claimant in this action. The foregoing Notice of  
Intention To File A Claim is true to my own knowledge, except as  
to matters therein stated to be alleged on information and  
belief and as to those matters I believe to be true.



SWORN TO BEFORE ME THIS 10<sup>th</sup>  
DAY OF January, 20 22

  
NOTARY PUBLIC



AFFIDAVIT OF SERVICE

STATE OF NEW YORK  
COUNTY OF DUTCHESS

Ralph Rodriguez, being duly sworn, deposes and says:

1. I am the Claimant in the instant action and am over 18 years of age.

2. On the 10 day of January, 20 22, I served the within Notice of Intention To File A Claim upon:

The Attorney General  
State of New York  
The Capitol  
Albany, New York 12224

One (1) copy by certified mail,  
return receipt requested

by depositing a true copy of the within in a properly addressed wrapper with postage paid and forms attached for certified mail, return receipt requested, in an official depository under the exclusive care and custody of the New York State Department of Correctional Services.



SWORN TO BEFORE ME THIS 10<sup>th</sup>  
DAY OF January, 20 22

  
NOTARY PUBLIC



# **EXHIBIT**

# **O**

Ralph Rodriguez

Din # 17A0928

Fishkill Correction Facility

P.O Box 307

Beacon, New York 12508

To Whom It May Concern

My name is Ralph Rodriguez and I am an inmate at Fishkill correctional Facility, under Din number 17A0928, and I am a fully Disable inmate.

I am writing to you because on 12-24-21 an inmate within this facility allegedly attempted to walk out the facility, and we was put on lock down for no more than 24 hours, and the very next day we was off lockdown, and the facility continued to move along as normal. This is a medical and mental health facility, and things such as this has happened in the past. Yet on 12-27-21 the Facility was put back on lockdown and C.E.R.T was deployed unto our facility. At no time was there any Security Risk or issue deeming there deployment justified, and when they arrived here, they went from housing unit to housing unit, destroying property of the state, and severely injuring multiple inmates.

I myself was on of these inmates, and on 12-30-21, C.E.R.T came into my housing unit on or about 6:45 am. Prior to there arrival the phones were shut off, and we could see from our windows inmates being kept in the Mess Hall area with their hands above their heads in boxers, and every now and then an inmate would be brutally assaulted. We could hear form our dorms Screams and cries for help that went unanswered, and any attempts to call or inform the authorities of this violent Civil Rights violation went unanswered. The inmate who attempted to walk out the facility was from my housing unit, and each and every inmate within my housing unit was littered with fear, because we knew that when they did come, they had something extra planned for us, because it was said by the staff that "We Ruined there Christmas Weekend". When they arrived to my housing unit the lights were of and they came in screaming and shouting banging there night sticks into whatever they seen.

Immediately without just cause or reason, they started to attack multiple inmates, and I was one of the inmates closest to the door, and as I sat up immediately after they came in I was grabbed from behind my neck and back, lifted off my bed and brutally assaulted by one or about five C.E.R.T officers who was dressed in all black wearing protective gear. While I was being assaulted, I was hit with full closed fist and kicked with there army boots, and as I was being assaulted for about 3-5 minutes One of the officers was saying as he hit me "You Fucking Spick", and that when my leg was pulled from behind me and twisted the opposite way, as well as my arm and wrist. I have severe medical issues and my right hand is disable, as well as had numerous surgery, and have neurological damages, and I screamed out in pain and said "IM DISABLE, IM DISABLE", and after a few more hits later I was lifted up off the floor and slammed face first into the wall, and an officer cuffed me and another was checking my ID and medical documents. During this time six other inmates were also being brutally assaulted as well, and injured. The officer who checked my identification then said "Take those cuffs off him", and they did and the officer holding me said "Just Shut The Fuck Up and Don't Move", which I complied with. I was bleeding through my mouth and head, and they had injured my Head, Neck, Back, Ribs, Legs, Left Ankle, Hands and Wrist, and I was in Severe Pain and Suffering. During this time, all the other inmates whom was also bleeding was dragged away and sent to medical, all being given disciplinary tickets , as a form of justifying their actions, but in no way was any of inmates resisting or failed to follow orders, this was a mass assault on the inmate's within this facility. I myself was never given any Disciplinary ticket, because they could not justify there brutal assault on me, because of my Disability.

It took me well over 10 hours before I was given any medical attention, and when I did make it to medical, in no way was I given any proper care. I was given aspirin and two ace bands and was suppose to be placed into I.C.U but because every room was occupied by an inmate, there was no room for me, so I was sent back to my housing unit, limping and in severe pain.

I made a number of Grievances that went unanswered and made a number of complaint consisting of

President Joe Biden, Law Department of the White House

Department Of Justice, Complaint Number 147143-GCP

Department Of Correctional, Community, Supervision, In Albany

Division Of Human Rights

Correctional Association Of New York (C.A.N.Y)

Now I am respectfully Requesting that a Complaint be made on my Behalf with your Department/Organization, and or Grievance be made.

I am also respectfully requesting Pursuant to the "Freedom Of Information Act", Any and All Complaints or Grievances you may have on file, in regards to C.E.R.T, D.O.C.C.S, and Fishkill Correctional Facility, that you may have on file, including any Investigation reports made, against these entities. ( For Excessive Force, and Civil Rights Violations)

I am requesting this information because I am currently pursuing a Civil Rights Claim, against multiple Defendants for the incident that had occurred Please See Rodriguez v. Burnett,et..al., 7:22-CV-02198(PMH), and was granted to proceed "IN FORMA PAUPERIS", and any fee's that may be required can be directed to the "PRO-SE DEPARTMENT", Southern District Of New York, using my claim number.

I'm sorry with having to burden you with this issue, but what had occurred here at Fishkill Correctional was unjustified and a Brutal Assault on myself as well as Countless others, and Civil Rights Violations such as these should never go unanswered or brushed under the table, just because we are Incarcerated Individuals of the state, for we are still someones father, Brother, Uncle, Son, Grandson, etc, and are still Civilians of the United States of American with Rights, that should never be violated.

Thank you for your time, and I am in hopes of receiving the information I requested as well as getting a Complaint number, and this incident brought to light, Respectfully your,

5/23/22, 9:40 AM

CRT Complaint Records



## U.S. Department of Justice Civil Rights Division

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Washington, DC 20530

May 23, 2022

Ralph Rodriguez Din #17A0928  
Fishkill Correctional Facility  
P. O. Box 1245  
Beacon, NY 12508

Dear Ralph Rodriguez Din #17A0928,

Thank you for your letter on January 25, 2022. Your report number is 147143-GCP. Please refer to it if you write us in the future. This letter will tell you how the Special Litigation Section will review your report and what other options you may choose to pursue.

The Special Litigation Section only handles cases that arise from widespread problems that affect groups of people. We do not assist with individual problems, except as noted below. In general, we cannot help you recover damages or any personal relief. Nor can we assist in criminal cases, including wrongful convictions, appeals or sentencing. We also cannot assist with issues involving federal facilities or federal officials.

There are only two areas in which the law allows us to investigate and address individual incidents:

- if you are being prevented from practicing your religion in a prison, jail, mental hospital or other facility operated by or for a state or local government; or
- if you have encountered a physical obstruction or experienced force or the threat of force when accessing a reproductive health care facility or religious institution.

Each week, we receive many reports of potential violations. We analyze this information to help us select new cases or pursue existing cases. We will review

Ralph Rodriguez #17A0928  
Fishkill Correctional Facility

1/14/2022  
Dear Mr. Rodriguez,



Thank you for contacting The Correctional Association of New York (CANY)! CANY is the only independent organization in New York with authority under state law to monitor prisons. Under state mandate, we visit prisons, meet with incarcerated persons, correctional officers, and NYS DOCCS officials and report on conditions of confinement to the Commissioner, state legislators, and the public. While we do not have the authority to dictate changes within the system or provide individual legal assistance, we engage in a variety of advocacy strategies to promote improvements across the entire prison system. The information we receive from you and others helps keep us in touch and informed with what is happening on the inside. All that you and others share helps ensure that policy-makers and the public hear the voices of those most impacted by the prison system.

Although we cannot provide individual advocacy, we do keep track of many different issues in prisons, as reported to us by people inside and as observed on our facility visits. If you would like to be placed on a visiting list for future visits by CANY, please let us know.

We also may share the information provided to us with legislators or the public to assist with advocacy efforts and uplift the voices of those who are incarcerated. Names and any other information that could be used to identify a person **will not** be shared. If a person does not want us to share anything they have written, they can write to us and let us know. Anyone is welcome to continue reporting to us even if they do not want their experiences to be shared or publicized.

Upon release, you may reach out to us via phone at **212-254-5700** or continue to write to us. Please feel free to share our contact information with others, which is listed below.

Enclosed with this letter are the following:

- Action Guide** with some information and contacts regarding different areas of concern and how to address them through administrative/grievance processes, as well as information on organizations that can provide individual advocacy.
- Information** about the activities of CANY and how else you could engage in prison advocacy.

Thank you,  
  
Correctional Association of New York

**Please note our new address:**  
**Correctional Association of New York**  
**Post Office Box 793**  
**Brooklyn, NY 11207**

We accept collect calls: (212) 254-5700  
[info@correctionalassociation.org](mailto:info@correctionalassociation.org)  
[www.correctionalassociation.org](http://www.correctionalassociation.org)



**KATHY HOCHUL**  
Governor

## Division of Human Rights

**MARIA L. IMPERIAL**  
Acting Commissioner

January 13, 2022

Ralph Rodriguez #17A0928  
Fishkill Correctional Facility  
PO Box 1245  
Beacon, NY 12508

Dear Mr. Rodriguez,

We are in receipt of your letter dated January 4, 2022. Your inquiry does not appear to fall within the jurisdiction of this agency. We have taken the liberty of forwarding your letter to Prisoner's Legal Services of New York for their recommendation.

You may contact them directly at:

Prisoner's Legal Services of New York  
10 Little Britain Road, Suite 204  
Newburgh, NY 12550

I hope this information is helpful to you.

Sincerely,

Manny Kottaram  
Bureau of External Relations



Training &  
Advocacy  
Support  
Center

*TASC is sponsored by the Administration on Intellectual and Developmental Disabilities (AIDD), the Substance Abuse and Mental Health Services Administration (SAMHSA), the Rehabilitation Services Administration (RSA), the Social Security Administration (SSA), and the Health Resources Services Administration (HRSA). TASC is a division of the National Disability Rights Network (NDRN).*

January 20, 2022

## LEGAL MAIL

Ralph Rodriguez DIN: 17A0928  
Fishkill Correctional Facility  
Box 1245  
Beacon, New York 12508

Dear Ralph:

Thank you for your recent request for information. The National Disability Rights Network (NDRN) is the membership association for the nationwide network of federally-mandated Protection & Advocacy (P&A) agencies that operate in each of the states and territories.

To this end, NDRN does not provide direct legal services to individuals. However, you may contact your state P & A for assistance or information regarding disability-related matters.

You can contact the P &A in your state at:

Disability Rights New York  
725 Broadway, Suite 450  
Albany, NY 12207

<b>Phone:</b>	(518) 432-7861	<b>Toll Free:</b>	(800) 993-8982
<b>TTY:</b>	(800) 993-8982		
<b>FAX:</b>	(518) 427-6561		
<b>Web Page:</b>	<a href="http://www.drny.org">www.drny.org</a>		

P&As provide legal representation, information and referral services, and other assistance to individuals with all types disabilities. These agencies, however, are restricted in the specific types of services they are able to provide individuals, based on eligibility requirements in federal law and a set of priorities for services that has been specified for the P&A by the local disability community.

For more Information on NDRN and P&As, please visit [www.ndrn.org](http://www.ndrn.org) .

Sincerely, Elijah Henderson

**SIVIN, MILLER & ROCHE LLP**

Attorneys at Law

20 Vesey Street

Suite 1400

New York, New York 10007

**Glenn D. Miller**

**Edward Sivin\***

**David Roche**

**Phone: (212) 349-0300**

**Fax: (212) 406-9462**

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**Clyde M. Rastetter**

\*also member of NJ Bar

September 8th, 2022

**VIA LEGAL MAIL**

Ralph Rodriguez (DIN#: 17-A-0928)  
Fishkill Correctional Facility  
271 Matteawan Road, P.O. Box 1245  
Beacon, NY 12508

Re: Incident on December 30th, 2021

Dear Mr. Rodriguez,

Unfortunately, we have determined that we are not in a position to represent you in connection with a claim or lawsuit to recover damages for injuries you sustained at Fishkill Correctional Facility on December 30th, 2021. We are a small firm and are necessarily limited in the number and types of cases we can take on. Our decision does not mean that your case does not have merit. **Therefore, if you still are interested in pursuing a claim or lawsuit, I suggest that you immediately contact another lawyer.** If and when you have access to telephone use, one such way to pursue finding another lawyer would be to contact the New York State Bar Association Lawyer Referral Service at 1(800) 342-3661 or Prisoners' Legal Services of New York Albany Office (518) 438-8046 and explain your situation.

In the meantime, I enclose herewith a summary of time limitations that apply to claims and lawsuits brought by inmates in New York State correctional facilities as well as all documents related to your case.

Very truly yours,



Stephanie Leibowitz  
Paralegal

/s/  
encl.



## Commission of Correction

**ALLEN RILEY**  
Chairman

**THOMAS J. LOUGHREN**  
Commissioner

**YOLANDA CANTY**  
Commissioner

September 15, 2022

Ralph Rodriguez  
DIN #17A0928  
Fishkill Correctional Facility  
PO Box 307  
Beacon, NY 12508

Re: FOIL #000011-091522

Dear Ralph Rodriguez:

The New York State Commission of Correction received a public information request from you on September 14, 2022. Your request mentioned:

"a copy of any and all complaints or grievances on file in regards to CERT, DOCCS and Fishkill Correctional Facility including any investigation reports made against these entities".

With regard to your request for any grievances on file regarding to CERT, DOCCS and the Fishkill Correctional Facility, the Commission has conducted a diligent search for records and was not able to locate any records responsive to your request.

With regard to your request for all complaints on file regarding CERT, DOCCS and the Fishkill Correctional Facility, the Commission cannot, under its current system of recordkeeping, retrieve relevant complaints by such a specific complaint subject. As such, it is the opinion of Counsel's Office that, pursuant to Public Officers Law §89(3), you have not "reasonably described" the records sought in the above Freedom of Information Law request, and the same is therefore denied.

Pursuant to Public Officers Law §89(4)(a) you have 30 days to submit a written appeal of this determination to:

State Commission of Correction FOIL Appeals Officer  
Alfred E. Smith State Office Building  
80 South Swan Street, 12th Floor  
Albany, NY 12210

Sincerely,

Records Access Officer

# **EXHIBIT**

# **P**

On 12-30-21 at around 7:00am CERT (Correctional Emergency Response Team) came into my housing unit, which is 9-1, and severely assaulted 7 inmates. One of them was my neighbor, Ralph Rodriguez DIN 17A0928 and for no reason violently and maliciously assaulted him. One officer had grabbed him by his head and at the same time another grabbed him by his neck. At that point a third officer grabbed Mr. Rodriguez' arm and pulled him out of his cube, at which point those three officers who were manhandling him were joined by two more officers and began hitting him repeatedly ~~with~~ with closed fists. Mr Rodriguez was yelling out, "I'm disabled, I'm disabled!" They still continued the assault for almost a full minute before they stopped. One of the officers took his ID out to check it and saw his medical limitations and told the officer who had him against the wall to "uncuff him and let him go." Because of the fact that he in no way provoked the attack they then left him alone. He was severely injured and didn't even receive medical attention finally until after 6pm, almost a full twelve hours later. This is my Sworn affidavit.

1-1-22

William Stepnawski 19R1343  
William Stepnawski 19R1343

Affidavit

1/1/2022

On December 30, 2021 a little after 7AM a CERT (Corrections Emergency Response Team) comprised of Corrections Officers from at least 3 other prisons, stormed into my housing unit which is 9-1 and immediately began barking orders and brutally assaulting many people. Seven people were brutally assaulted, one of those seven individuals being Ralph Rodriguez DIN 17A0928.

With malicious intent several members of the CERT squad grabbed Mr. Rodriguez and for no reason and without provocation began assaulting him. They pulled Mr. Rodriguez out of his cube. The first and second officers grabbed him by his head and neck, and a third member grabbed him by the arm, then these three members of the CERT squad were joined by two other officers who all commenced pounding on Mr. Rodriguez with closed fists. Mr. Rodriguez was yelling "I'm disabled, I'm disabled" while being assaulted. He was then handcuffed after being brutalized. The assault on Mr. Rodriguez continued for a full minute after he yelled "I'm disabled". After Mr. Rodriguez was handcuffed an officer took his ID to check his name and saw that he had medical limitations and was in fact disabled and instructed the officer still holding him to uncuff ~~him~~ him and let him go. Mr. Rodriguez did not receive medical attention until after 6PM.

X A. Condles 21B0836

X A. Condles

Andrew Mullings  
Din#: 02A2656  
Fishkill Correctional Facility  
P.O. Box 1245  
Beacon, New York 12508

NEW YORK STATE      )  
                          )  
COUNTY OF DUTCHESS )

VOLUNTARY AFFIDAVIT

I, Andrew Mullings, DIN#: 02A2656, hereby depose and say the following:

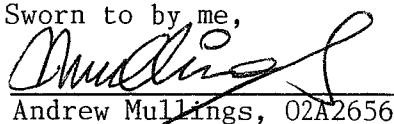
On or around December 24, 2022 allegation was made that an incarcerated individual ("I/I") named Christopher Gaudiello attempted to escape from Fishkill Correctional Facility ("I/I"). Based on this allegation, a Correctional Emergency Response Team ("CERT") and other units were brought in at Fishkill on or around December 27, 2022 to search the entire facility.

On December 29, 2021, CERT Officers entered my housing unit (10-2) and took me out of my room and forcefully stripped me down to my underwear and they opened all the windows in my housing unit rec. area and then placed me and other I/Is to remain standing in the very cold weather for hours where my body was being assault by the cold. The CERT Officer at this time was physically beating another I/I across from me.

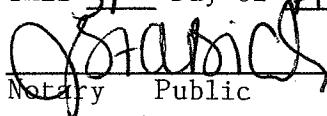
As a result of the CERT Officers exposing me in the cold, I got sick and was hospitalized after I was diagnosed for bilateral pneumonia, bilateral pulmonary embolism, respiratory failure, and for chest discomfort.

I sworn this statement to be true to the best of my knowledge.

Sworn to by me,

  
Andrew Mullings, 02A2656

Sworn To Before Me  
This 31<sup>st</sup> Day Of AUGUST, 2022

  
Notary Public



# **EXHIBIT**

# **Q**



## Corrections and Community Supervision

KATHY HOCHUL  
Governor

ANTHONY J. ANNUCCI  
Acting Commissioner

TO: Ralph Rodriguez 17A0928 9-1- 126

FROM: L. Malin, Deputy Superintendent for Programs *L. Malin*

RE: Response to your letter

DATE: September 20, 2022

I am writing in response to your letter dated 10/16/22 regarding a reasonable accommodation for an "Egg Crate" or having an "Extra mat pass".

Please be advised that I did not receive a reasonable accommodation from you for these items.

As per Directive 2614, the items you are asking for are not considered a reasonable accommodation. As per directive 2614, section II B, requests for medical treatment, permits or anything required for activities of daily living are not considered reasonable accommodations and may not be requested through the reasonable accommodation process. Requests for such items must be made through the facility Medical department.

CC: DSH Jackson  
DSP File  
Guidance File

Revised (7/11)  
Form #2614B  
COPY LOCALLY  
AS NEEDED

STATE OF NEW YORK - DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION

## REQUEST FOR REASONABLE ACCOMMODATION

FIRSHILL  
CORRECTIONAL FACILITY

Correctional Facility

Date

12-28-2019  
DSH OFFICE

Inmate's Name

DIN#

Ralph Rodriguez

17A0928

I request reasonable accommodation to participate in the following program and/or service:

medical equipment request

I am limited in my ability to (explain disability or limitation): Fully Disable, limited to no use of right arm, and severe neck and back problems along with a host of different issues.

The accommodation requested is: An "Egg Crate" for my back to help elevate pain

(Sign and forward to the Deputy Superintendent for Program Services)

Ralf Rodriguez

Inmate's Signature

RECD  
BY DSP

(DSP Name)

(Signature)

Date

12/28/19

MEDICAL VERIFICATION

Disability: Pt claims back neck pain Egg crate on this topic

Functional limitations has been found not to be effective - consider fin hazard

"A FREE HAZARD"

No medical verification is on file. Follow-up appointment scheduled?

 yes noREASONABLE ACCOM.  
DETERRIMINATION

Date inmate notified of pending medical evaluation/consult:

Denied

M. Sullivan M.P.C. (Signature)

Date 2/18/20

(Medical staff name - title)

 Approved Modified Denied

The specific accommodations approved are:

Explanation of modification or denial:

(Inmate's Signature)

(DSP or designee signature)

Date

INMATE  
RECEIPT I agree I disagree with this determination.

I understand my right to file a grievance in accordance with Directive #4040, "Inmate Grievance Program"

Signature

Date

RECEIVED

Form 2612B (4/15)  
Page 1

PHOTOCOPY LOCALLY OR NEEDED 10-12-2018

STATE OF NEW YORK – DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION  
REQUEST FOR REASONABLE ACCOMMODATIONS FOR INMATES WITH SENSORIAL DISABILITIES

Date 10-12-2018

Inmate's Name Ralph Rodriguez DIN 17A0928 Facility Five Point Correctional  
 I do not request reasonable accommodations  
 I request reasonable accommodations as indicated below for the following program or service: hearing impairment requesting  
Alarm for Count and program  
 Check to indicate request

HEARING IMPAIRMENT		VISUAL IMPAIRMENT	
Requested	Approved	Requested	Approved
<input type="checkbox"/> Qualified Sign Lang. Interpreter	<input type="checkbox"/>	<input type="checkbox"/> Large Print	<input type="checkbox"/>
<input type="checkbox"/> TTD/TTY	<input type="checkbox"/>	<input type="checkbox"/> Orientation & Mobility Instruct	<input type="checkbox"/>
<input type="checkbox"/> Telephone Amplifier	<input type="checkbox"/>	<input type="checkbox"/> Mobility Assistants/Sighted Guide	<input type="checkbox"/>
<input type="checkbox"/> Closed Caption Television	<input type="checkbox"/>	<input type="checkbox"/> Guidance Cane	<input type="checkbox"/>
<input type="checkbox"/> Sound Amplification Systems	<input type="checkbox"/>	<input type="checkbox"/> Support Cane	<input type="checkbox"/>
<input type="checkbox"/> Hearing Aids/Batteries	<input type="checkbox"/>	<input type="checkbox"/> Braille Print	<input type="checkbox"/>
<input type="checkbox"/> Notification Systems	<input type="checkbox"/>	<input type="checkbox"/> Braille Equipment	<input type="checkbox"/>
<input type="checkbox"/> Visual Smoke Detector	<input type="checkbox"/>	<input type="checkbox"/> Magnifiers	<input type="checkbox"/>
<input type="checkbox"/> Preferred Seating	<input type="checkbox"/>	<input type="checkbox"/> Tape Player/Cassettes	<input type="checkbox"/>
<input checked="" type="checkbox"/> Shake Awake Alarm	<input checked="" type="checkbox"/>	<input type="checkbox"/> Lamp	<input type="checkbox"/>
<input type="checkbox"/> Pocket Talker	<input type="checkbox"/>	<input type="checkbox"/> Visor/Sunglasses for indoor use	<input type="checkbox"/>
		<input type="checkbox"/> Other	<input type="checkbox"/>

Ralph Rodriguez  
(Inmate's Signature)

S. Cawley, MTS  
(Staff Name/Title)

R.P.  
(Staff Signature)

## MEDICAL VERIFICATION (Use established definitions)

Severe Visual Impairment (V230)  Legally Blind (B240)  Non Significant Hearing Loss (HL30)  
 Hard of Hearing (HL20)  Deaf (HL10)  
 No Medical Verification on File Follow-up Appointment Necessary?  Yes  No

Has hearing aids  
Shake Awake appropriate

K.M. Sotthi NP  
(Medical Staff - Name/Title)

K.M. Sotthi NP  
(Med. Staff Signature)

10-12-18  
(Date)

Return this form to the Staff member whose name appears next to the inmate's signature above.

## REASONABLE ACCOMMODATION REQUEST FORM

The following reasonable accommodations requested above have been:

Approved as requested  
 Modified - accommodations which have been approved are marked above  
 Denied  
 Pending medical verification

## EXPLANATION of modification or denial

A. Cawley  
(Signature)

A. Cawley  
(Signature)

10-12-18  
(Date)

This section is to be completed by the inmate.

I agree  I disagree with this determination  
 I want to meet with the Superintendent or designee during this review.  
 I want to have an interpreter with me or other assistive device during this meeting.

Ralph Rodriguez  
(Inmate's Signature)

10-12-2018  
(Date)



# Corrections and Community Supervision

**ANDREW M. CUOMO**  
Governor

**ANTHONY J. ANNUCCI**  
Acting Commissioner

TO: Inmate

FROM: Five Points Medical Department

SUBJECT: New Permit / Annual Renewal Permit

Original Start Date: 09/17/19

Current Start Date: 09/17/19

Permit Duration: 1 year

Permit Expiration Date: 09/17/20

Five Points Correctional Facility  
Medical Permit-Health Services  
Inmate Name RODRIGUEZ, R DIN# 17A0928  
Location OB2416  
cane,crutches-to be returned  
brace,sling,splint, cast  
Description Egg crate permit  
MISC  
RN Signature AC Date 9/17/18  
Expiration Date 9/16/19

Five Points Correctional Facility  
Medical Permit-Health Services  
Inmate Name Rodriguez, Ralph DIN# 17A0928 Location OB2416  
cane, Crutches-to be returned  
brace, sling, cast  
Description ① egg crate mattress  
MISC  
RN Signature W. Fawcett Date 9/25/19  
Expiration date 9-12-20

Inmate Name: RODRIGUEZ, R  
Din #: 17A0928  
Housing Location: OB2416

The above inmate has been evaluated and there is a medical need for:  RA  MED

Facility Health Services Director/Designee

Date

Reviewed and Approved:

Deputy Superintendent for Security

Date

I acknowledge receipt of the permitted item described above. I understand I will be responsible for its proper use. Any misuse or damage caused by my negligence may result in revocation of the permitted item, financial reimbursement and disciplinary action.

Inmate Signature

Date

Cc: Block 1<sup>st</sup> Officer

Medical Records Office

Medical File

RA File (if appropriate)

# **EXHIBIT**

# **R**

Ralph Rodriguez

Din # 17A0928

Fishkill C.F. Unit 9-1

4-25-22

To Ms Sullivan

I am writing to you because it's been well over four months since I was injured by the C.E.R.T team on 12-30-21, and todate I have yet to receive my ten's unit, or have my MRI.

I would like to also like to see you again as soon as possible because last time we met last month you didn't get to cover all my medical issues because you said you was only going to deal with two issues when I seen you. I am still having severe pain in my left ankle, neck, back and now at night my left hip is giving me severe problems and pain, being unable to sleep.

Can you please put me on a call out because it makes no sense to go to sick call if their not going to do anything to help or address my issues. Thank you for your time, Respectfully

Ralph Rodriguez



C.C. II's File

Mr. Rodriguez 5/2/22  
You are scheduled for MRI very soon  
please be patient there are massive backlog  
in hospitals. Thank you SULLIVAN

HSPM 7.16  
Attachment ASTATE OF NEW YORK  
DEPARTMENT OF CORRECTIONAL SERVICES  
DIAGNOSTIC TESTING NOTIFICATION  
(NOTIFICACION DE PRUEBA DE DIAGNOSTICO)

NAME Rodriguez, Ralph DIN 17A5928  
 (Nombre)

FACILITY EF CELL LOCATION MB-9-1-26  
 (Institucion) (Ubicacion de la Celda)

REVIEWED BY M. Sullivan DATE EF  
 (Revisado por) (name & provider #) (MM/DD/YY)

THIS IS TO INFORM YOU THAT THE RESULTS OF THE TESTING CHECKED BELOW:  
 (Sirva este para informale que los resultados de la prueba identificada a continuacion)

X-RAY        LAB TESTING        OTHER Open MRI  
 (Rayos-X) (Pueba de Laboratorio) (Otro)

PERFORMED ON         
 (Ejecutada en)

WERE REVIEWED BY A PRIMARY CARE PROVIDER.  
 (la reviso un profesional del cuidado primario)

NO ACTION IS REQUIRED AT THIS TIME.  
 (No se exige accion en este momento.)

*No fracture - mid swelling  
 continue with  
 physical therapy*

REPORT TO SICK CALL  
 (Reportese a Cita por Enfermedad.)

FOLLOW UP WILL BE ARRANGED WITH A PRIMARY PROVIDER.  
 (Se haran arreglos para seguimiento con un profesional del cuidado primario.)

FOLLOW UP WILL BE ARRANGED WITH A SPECIALIST.  
 (Se haran arreglos con un especialista.)

DO NOT FILE IN AHR  
 (No archive en el AHR)

#491500255

## QUEENS RADIOLOGY, P.C.

23-08 30<sup>th</sup> Avenue

Astoria, NY 11102

Ph: (718)726-2000

Fax: (718)728-2724

July 17, 2013

Patient: Ralph Rodriguez  
 Date of Exam: 07-17-2013  
 Patient ID #: MR008199  
 Date of Birth: 08-25-1978  
 Referring Doctor: Panagiotis Zenetos, M.D.

MRI OF THE LUMBOSACRAL SPINE

Multiplanar and multisequence MRI examination of the lumbosacral spine was performed.

There is straightening of the lordosis compatible with muscular spasm. The vertebrae are normal in height and signal. There is interspace narrowing and dehydration at L5-S1. The conus medullaris and cauda equina are unremarkable.

The L1-L2 and L2-L3 interspaces are without evidence of outline or herniation.

At L3-L4, there is a broad based disc bulge with a left paracentral component and left sided neuroforaminal narrowing.

At L4-L5, there is a central and left paracentral herniation with bilateral neuroforaminal narrowing and lateral recess stenosis - left greater than right. There is bilateral facet arthropathy and relative spinal stenosis present.

At L5-S1, there is a central disc herniation with bilateral neuroforaminal narrowing and lateral recess stenosis - left greater than right.

IMPRESSION:

1. Muscular spasm.
2. Interspace narrowing and dehydration at L5-S1.
3. Broad based disc bulge at L3-L4 with a left paracentral component and left sided neuroforaminal narrowing.
4. Central and left paracentral herniation at L4-L5 with bilateral neuroforaminal narrowing and lateral recess stenosis - left greater than right. Associated spinal stenosis and bilateral facet arthropathy are also appreciated.
5. Central disc herniation at L5-S1 with bilateral neuroforaminal narrowing and lateral recess stenosis - left greater than right.

Thank you very much for allowing me to participate in the care of your patient.

*Daniel Schlusselberg MD*

Daniel Schlusselberg, M.D.



**Upstate Radiology, PC  
Open MRI of Elmira**

**Patient's Name:** Rodriguez, Ralph

**Patient Account #:** 207832

**Date of Service:** 04/16/2019 (Elmira)

**Date of Birth:** 08/25/1978

**Referring Physician:** Jayson Perez NP

**Exam:** MRI of the Lumbar Spine

**HISTORY:** Low back pain.

**EXAMINATION:** MRI scan of the lumbosacral spine.

There is slight loss of the normal lordotic curvature consistent with some paraspinal muscle spasm. No signs of any fractures or osseous lesions identified.

The L1-2, L2-3, L3-4 disc space levels are normal.

At L4-5, there is some mild desiccation and minimal disc bulging. There is a left lateral disc protrusion extending into the inferior aspect of the left L4-5 neural foramina below the level of the exiting nerve root.

At L5-S1, there is mild desiccation and minimal disc bulging.

There is interfacet edema between the posterior articular surfaces which can be a source of low back pain related to inflammation between those posterior articulations. This is most notable at the L5-S1 level.

**IMPRESSION:**

Interfacet between the posterior articular surfaces, most prominent at the L5-S1 level. Some mild disc bulging at the L4-5 and L5-S1 levels.

**CONTINUED ON PAGE TWO**

**JUN 26 2019**

The Health Information contained in this Fax/Report is Highly Confidential. It is intended for the exclusive use of the addressee. It is to be used only to aid in providing specific healthcare services to this patient. Any other use is a violation of Federal Law (HIPAA) and will be reported as such.

**751 East Church Street Elmira, NY 14901**

**Tel. (607) 767-1122 Fax: (607) 767-1121**

Patient's Name: Rodriguez, Ralph  
Date of Service: 04/16/2019 (Elmira)  
Exam: MRI of the Lumbar Spine

-2-

There is a left lateral disc protrusion at the L4-5 level with some disc material extending into the inferior aspect of the left L4-5 neural foramina below the level of the exiting nerve root.

---

Dictated by: G. Michael Maresca, MD on 04/16/2019 at 10:13:59

Electronically Approved by: G. Michael Maresca, MD

Signed on: 04/16/2019 10:27:08

Job Number: 1772718

JP

JUN 26 2019

The Health Information contained in this Fax/Report is Highly Confidential. It is intended for the exclusive use of the addressee. It is to be used only to aid in providing specific healthcare services to this patient. Any other use is a violation of Federal Law (HIPAA) and will be reported as such.

# EXHIBIT

# S

Summary View for RODRIGUEZ, RALPH

Page 1 of 5



Insurance: Self Pay

07/18/2016

**Current Medications****Taking**

- Gabapentin 400 MG Capsule Total Dose: 400mg Three Times a Day, stop date 10/10/2016, KOP: No, Drug Source: Pharmacy
- BusPIRone HCl 15 MG Tablet Total Dose: 30mg Twice a Day, stop date 07/23/2016, KOP: No, Drug Source: Pharmacy, Notes: Pharmacy
- Vistaril 50 MG Capsule Total Dose: 50 mg At Bedtime, stop date 07/23/2016, KOP: No, Drug Source: Pharmacy, Notes: Pharmacy
- Prozac 20 MG Capsule Total Dose: 50 mg At Bedtime, stop date 07/23/2016, KOP: No, Drug Source: Pharmacy, Notes: Pharmacy

**Past Medical History**

Permanent RIGHT RADIAL NERVE INJURY resulting in permanent extension of Thumb, Index and partial Right 3rd finger and decrease sensation in 2010.....

**Allergies**

N.K.D.A.

**RODRIGUEZ, RALPH**

NYSID: 09508908N BookCase: 4411500255  
 Facility Code: AMKC Housing Area: RR  
 37 Y old Male, DOB: 08/25/1978  
 Account Number: 278427  
 1017SENECA AVE, 1FL, QUEENS, NY-11385

Appointment Facility: West Facility

Appointment Provider: Olga Segal, MD

**Reason for Appointment**

1. Nerve Injury

**History of Present Illness****Notes:**

37 yo RH HM with PMHx psych hx, substance use, LBP s/p MVA 2008 and 2010, RUE and LUE stab wounds 2010 with RUE chronic nerve injury, on Lyrica, Dilaudid, Morphine, Oxycodone, Trazodone, presented on 2/10/15 for initial evaluation of chronic RUE nerve injury (cont Lyrica 150bid, referral for RUE splint, not interested in PT), and f/u 11/2/15 (wants to change Lyrica to GBP 300bid), and f/u 4/11/16 (increase GBP 300tid to 400tid, new referral for RUE splint for BVH Ortho), and f/u 7/18/16 (GBP up to 600tid, still awaiting splint).

Referral: Pt with h/o multiple stab wounds in 2010 with h/o nerve damage to RUE on multiple pain medications.

Pt was stabbed multiple times, including abdomen (had 1/2 intestines removed and a 1/4 of a spleen was removed), as well as R-wrist "was chopped" with "nerves and tendons destroyed" and only able to move/flex his R-D4/5 but not D1/2/3 with numbness/tingling in R-D1/2/3. Pt was also stabbed in R-arm, had to have muscle removed, "nerve, vein, and artery was clamped and replaced". Pt has chronic weakness in the entire RUE (except at R-shoulder) with difficulty lifting/bending elbow, grip, and generalized painful tingling with any movement. Pt was also stabbed in the LEFT upper ant arm with pain and focal numbness/ pain in the area of stabbing without any LUE weakness. Pt was also stabbed in Left trunk multiple times.

Pt reports lower back "lumbar bad discs" s/p MVA in 2008 and again in 2010 with chronic LBP radiating down into b/l buttocks and b/l leg and worsened by staying in any fixed position for prolonged period of time. No focal LE weakness. Pt reports also occasional neck stiffness/cracking from MVA, but much improved since the initial injury adn no weakness.

Pt denies B/B issues (occasional constipation), but no incontinence.

Pt has had several EMG/ NCS of b/l UE and was diagnosed with nerve damage of multiple nerve in his RUE>LLE, pt is on disability. Pt received therapy in the past and was told "there is nothing more to do" for his chronic nerve condition adn damage.

Pt was on Lyrica 150mg x 2 tab bid (300mg BID), Morphine 60, Dilaudid, Oxycodone 30, and Trazodone, since 2010, given by his Pain

Patient: RODRIGUEZ, RALPH DOB: 08/25/1978 Progress Note: Olga Segal, MD 07/18/2016

Note generated by eClinicalWorks EMR/PM Software ([www.eClinicalWorks.com](http://www.eClinicalWorks.com))

<https://chsri.cbpdlb.riepf.com/mobile/doc/jsp/catalog/xml/printChartOptions.jsp?encounterID...> 7/29/2016

DEF 000019

review today, including disability documents dated March 14, 2013, as well as an excerpt from a medical note stating meds: Oxycodone 30mg, Lyrica 150 bid, Skelaxin, Flexeril 10mg, as well as an incomplete Operative Report dated 10/3/2008 with post-op diagnosis: RUE median nerve transection, ABP/ EPL/ EPB tendons transection, cutaneous nerve transection".

#### Examination

##### General Examination:

GENERAL APPEARANCE: well-developed, no acute distress.

NECK: GENERAL:-, supple, no carotid bruit.

HEART: HEART SOUNDS:-, normal S1S2.

Neurological:

CORTICAL FUNCTIONS: alert and oriented X 3, comprehension and language intact.

CRANIAL NERVES: same II-XII normal bilaterally.

MOTOR STRENGTH: still unchanged again RUE: with extensive surgical/traumatic scars in R-ant forearm/ant arm region and R-ant/lateral region with pronounced focal atrophy as well as diffuse atrophy, with D 5/5, B 4, T 3-4-, WE/WF 3- and pain limited, very limited mvmt D1/2/3 and unable to oppose digits, and 2-3 in D4/5 with clawing (non-fixed contractures), thenar>hypothenar atrophy, low tone. LUE: focal scar in L-ant arm with 5/5 in D, B, T, WE, WF, grip, APB, opponens, intrinsics and no atrophy, normal tone. No scapular winging b/l. Neck with full ROM and no TTP. B/I LE 5/5 in IP, Q, H, AT, PF, no atrophy, normal tone.

SENSORY: still again decreased sensation to all modalities with dysesthesia in entire RUE, intact throughout LUE and b/l LE. No neck/ spinal TTP. Questionable mildly +SLR b/l. +abd scar.

REFLEXES: again RUE with 0 throughout, LUE 1+ in B, T, BR, b/l P 2+ and b/l A 1+, with babinski negative b/l..

TREMORS: absent.

COORDINATION: same finger to nose normal bilaterally with no dysmetria.

GAIT AND STATION: steady, Romberg was negative.

SPEECH: normal.

MUSCLE BULK: atrophy .

PRONATOR DRIFT: not present .

#### Assessments

1. Nerve injury NOS - 957.9

#### Treatment

##### **1. Nerve injury NOS**

Stop Gabapentin Capsule, 400 MG, Total Dose: 400mg, Orally, Three Times a Day, 90 days, KOP: No, Drug Source: Pharmacy

Start Gabapentin Capsule, 300 MG, Total Dose: 600mg, Orally, Three Times a Day, 90 days, Drug Source: Pharmacy

Notes: 37 yo RH HM with PMHx psych hx, substance use, LBP s/p

MVA 2008 and 2010, RUE and LUE stab wounds 2010 with RUE

chronic nerve injury, on Lyrica, Dilaudid, Morphine, Oxycodone, Trazodone, presented on 2/10/15 for initial evaluation of chronic RUE nerve injury (cont Lyrica 150bid, referral for RUE splint, not interested in PT), and f/u 11/2/15 (wants to change Lyrica to GBP 300bid), and

---

Patient: RODRIGUEZ, RALPH DOB: 08/25/1978 Progress Note: Olga Segal, M.D. 07/18/2016  
 Note generated by eClinicalWorks EMR/PM Software ([www.eClinicalWorks.com](http://www.eClinicalWorks.com))

<https://chsricbpdbl.riqpf.com/mobiledoc/jsp/catalog/xml/printChartOptions.jsp?encounter1...> 7/29/2016

**DEF 000021**

# **EXHIBIT**

## **T**

# **EXHIBIT**

# **U**

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF QUEENS CRIMINAL TERM PART 24

THE PEOPLE OF THE STATE OF NEW YORK,

Plaintiff,

-against-

**AFFIDAVIT**

Indictment No. 771-2015

**RALPH RODRIGUEZ,**

Defendant.

State of New York      )  
                            ) : ss  
County of Queens      )

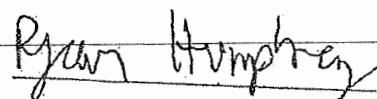
RYAN HUMPHREY, being duly sworn, deposed and states under the penalties of perjury as follows:

1. I served as Juror Number 10 on the aforementioned trial.
2. Following the conclusion of the trial, Judge Leach and Mr. Rodriguez' defense counsel came into the deliberation room and spoke to the entire jury for several minutes at which time we informed them both that at the conclusion of the first day of jury deliberations the jury was split 7 votes to 5 in favor of an acquittal.
3. More specifically, at the conclusion of the first full day of deliberations, the jury was split 7 votes to 5 in favor of acquittal on Count 1 (Robbery in the Second Degree), Count 2 (Grand Larceny in the Fourth Degree), and Count 3 (Criminal Possession of a Weapon in the Third Degree). With respect to Count 4 (Resisting Arrest) the jury was split 10 votes to 2 votes in favor of acquittal at the end of the first day of deliberations.
4. The biggest issue in the case was not whether a robbery occurred but whether Mr.

Rodriguez was correctly identified as the person that committed the charged offenses. Although there was certainly corroborating evidence consistent with guilt, there was also a great deal of corroborating evidence which supported Mr. Rodriguez' innocence.

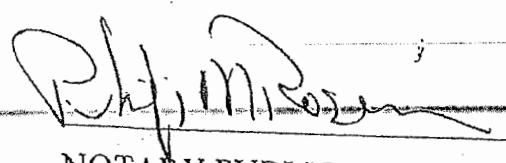
5. Ultimately, the jury found Mr. Rodriguez guilty on all counts. Since the verdict was announced, I have thought often whether Mr. Rodriguez was accurately identified as the person responsible for the robbery of the Game Stop store.
6. I have been advised that the defense was precluded from calling an expert in the field of eyewitness identification. Specifically, the defense sought to have the eyewitness identification expert testify in the areas of weapon focus; event stress; event duration and that eyewitness confidence is a poor predictor of identification accuracy. I am of the opinion that given the conflicting corroboration (both in favor of guilt and innocence) that existed in the case, that the eyewitness identification testimony would have been helpful and useful in this case.

DATED: Queens, NEW YORK  
February 3, 2017

  
RYAN HUMPHREY

SWORN TO AND SUBSCRIBED BEFORE ME THIS 3 DAY OF FEBRUARY 2017

PHILIP M. ROSEMAN  
Notary Public, State of New York  
No. 01R06195360  
Qualified in Queens County  
Commission Expires Oct 20, 2012

  
NOTARY PUBLIC

# **EXHIBIT**

# **V**

## NewsRoom

8/27/15 Reuters News 20:41:06

Reuters News  
Copyright (c) 2015 Thomson Reuters

August 27, 2015

U.S. prosecutors join probe into New York inmate's death

NEW YORK, Aug 27 (Reuters) - Federal prosecutors have joined an investigation into the death of a New York prison inmate who was involved in a confrontation with guards at the **Fishkill Correctional Facility** in April.

U.S. Attorney Preet Bharara of New York said on Thursday his office is working with the local district attorney in Dutchess County, New York, to investigate the April 21 death of Samuel Harrell.

Lawyers for Harrell's family have said he was beaten to death by corrections officers.

The New York Times, which earlier this month was the first publication to document Harrell's death, reported that inmates at Fishkill described a pattern of brutality by officers at the medium-security prison in Beacon, 65 miles (105 km) north of New York City.

The New York State Police began looking into the death on the night of April 21, when Harrell was pronounced dead at a local hospital.

Harrell, who suffered from bipolar disorder, got into a confrontation with officers when he announced he was going home despite having years left on his sentence for a drug conviction, the Times reported.

He was beaten by as many as 20 officers and either thrown or dragged down a staircase, inmates who witnessed the incident told the newspaper. Some of the guards were part of a group of inmates called the "Beat Up Squad," the newspaper reported.

Corrections officers called an ambulance but did not mention the fight to medics, speculating instead that he had overdosed on drugs, the Times said. The county medical examiner ruled Harrell's death a homicide, according to the Times.

The Department of Corrections and Community Supervision did not immediately comment on Bharara's statement. Earlier this month, a spokesman said the agency was working with state authorities to investigate the incident.

A lawyer for Harrell's family could not immediately be reached for comment.

In June, New York City agreed to institute reforms at the troubled Rikers Island jail complex to resolve civil claims brought by Bharara's office that guards regularly used unnecessary force against inmates. [ID:nL1N0Z828G]

(Reporting by Joseph Ax; Editing by Mohammad Zargham) ((joseph.ax@thomsonreuters.com; 1-646-223-6594 1-917-848-0813; Reuters Messaging: joseph.ax.thomsonreuters.com@reuters.net))

Keywords: USA NEW YORK/PRISON

---- Index References ----

# New York Times

NEW YORK, WEDNESDAY, AUGUST 19, 2015

\$2.50

**Today's Edition**  
 Today, partly sunny, warm, humid, high 84. Tonight, partly cloudy, warm, humid, low 74. Tomorrow, clouds and sun, warm, humid, high 83. Weather map is on Page B10.

## Prison Guard 'Beat Up Squad' Blamed in Death



Samuel Harrell, an inmate at a Beacon, N.Y., prison, who died in April, with a niece.

### INMATES' ACCOUNT

No Officers Punished  
 Amid an Inquiry in  
 New York State

By MICHAEL WINERIP  
 and MICHAEL SCHWIRZ

On the evening of April 21 in Building 21 at the Fishkill Correctional Facility, Samuel Harrell, an inmate with a history of erratic behavior linked to bipolar disorder, packed his bags and announced he was going home, though he still had several years left to serve on his drug sentence.

Not long after, he got into a confrontation with corrections officers, was thrown to the floor and was handcuffed. As many as 20 officers — including members of a group known around the prison as the Beat Up Squad — repeatedly kicked and punched Mr. Harrell, who is black, with some of them shouting racial slurs, according to more than a dozen inmate witnesses. "Like he was a trampoline, they were jumping on him," said Edwin Pearson, an inmate who watched from a nearby bathroom.

Mr. Harrell was then thrown or dragged down a staircase, according to the inmates' accounts. One inmate reported seeing him lying on the landing, "bent in an impossible position."

"His eyes were open," the inmate wrote, "but they weren't looking at anything."

Corrections officers called for an ambulance, but according to medical records, the officers mentioned nothing about a physical encounter. Rather, the

*Continued on Page A20*

### Is Israel in a Bind

experts on bioethics, was unnecessary because Israel already al-

### Trump Paints G.O.P. in Corner





Top: A memorial program for Samuel Harrell, 30, who died after a confrontation with officers at the Fishkill Correctional Facility in Beacon, N.Y. Right: his sister, Carissa Harrell, left, and his wife, Diane.

## Prison Officer 'Beat Up Squad' Is Blamed in an Inmate's Death

From Page A1

records showed, they told the ambulance crew that Mr. Harrell probably had an overdose of XZ, a synthetic marijuana.

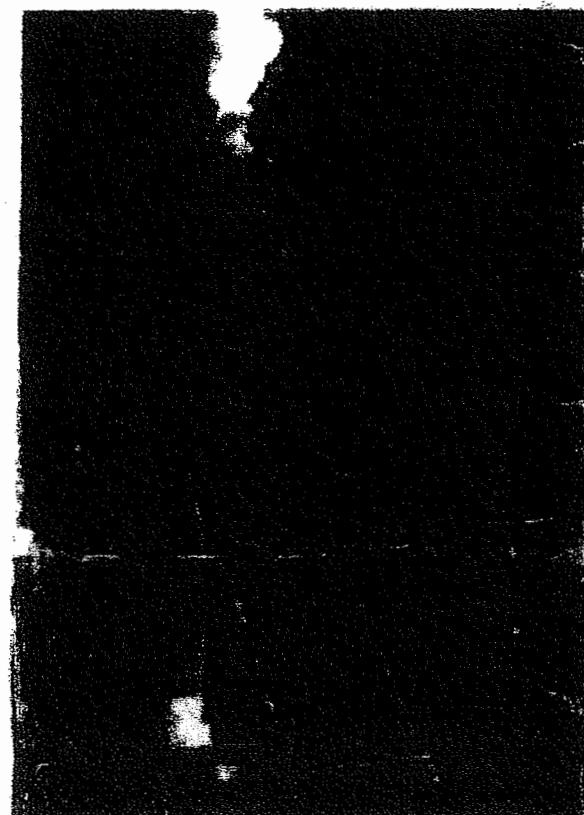
He was taken to St. Luke's Cornwall Hospital and at 10:18 p.m. was pronounced dead. In the four months since, state corrections officials have provided only the barest details about what happened at Fishkill, a medium-security prison in Beacon, N.Y., about 60 miles north of New York City. Citing a continuing investigation by the State Police, officials for weeks had declined to comment on the inmates' account of a beating.

An autopsy report by the Orange County medical examiner, obtained by The New York Times, concluded that Mr. Harrell, 30, had cuts and bruises to his head and extremities and had no illicit drugs in his system, only an anti-depressant and tobacco. He died of cardiac arrhythmia, the autopsy report said, following "physical alteration with corrections officers."

The manner of death: Homicide.

### Previous Reports of Violence

No officers have been disciplined in connection with the death. Officials said a classification of homicide is a medical term that indicates the death occurred at the hands of other people, but it does not necessarily mean a crime was com-



said. "You're a big guy and you let these people literally kill you."

The inmates said that during the encounter, an officer they identified as Robert Michaels appeared to have a medical emergency. Mr. Pearson, who later identified Officer Michaels through a Facebook photo, said he saw the officer "rip open his shirt and he was gasping for air and grabbing his chest."

Officers went to attend to Officer Michaels, who was soon carried out on a stretcher, inmates said.

### Identifying the Guards

While Mr. Harrell lay still on the floor, officers periodically walked by, kicking him and hitting him, Mr. Cameron said.

Most of the inmates could identify the officers by last names only, which they spelled in a variety of ways in their affidavits. In a database of New York State employees, [Seethroughny.net](http://Seethroughny.net), there are several Fishkill officers who appear to match the guards most often named by the inmates as being directly involved in the encounter. They are Thomas Dickenson (named by 10 of the inmates), John Yeger (10), Officer Michaels (nine), Bryan Ell (five) and a white woman they knew only as "Ms. B" (four).

They also identified the ranking offi-

cer at the scene as Sgt. Joseph Guarino. Reached by telephone, Sergeant Guarino

No officers have been disciplined in connection with the death, officials said. A classification of homicide is a medical term that indicates the death occurred at the hands of other people, but it does not necessarily mean a crime was committed.

Imprisoned witnesses at Fishkill say they are the ones who have been punished. Several described being put into solitary confinement and threatened with violence after speaking with Mr. Harrell's family, their lawyers and with news reporters.

The Times documented similar allegations of abuse from inmates at the Clinton Correctional Facility in Dannemora, N.Y., where in June two convicted murderers escaped, resulting in a three-week manhunt. There, inmates described being beaten and choked with plastic bags by corrections officers seeking information about the escapees. Many were then thrown into solitary confinement.

The prison building where Mr. Harrell was housed has long been singled out as a violent place. In 2013, the Correctional Association of New York, a 17-year-old inmates advocacy group with a legislative mandate to inspect New York State prisons, published a report documenting "harassment and harassment" by officers working in Building 21, from 3 to 11 p.m. This was the same time frame when Mr. Harrell died.

Association, which found similar problems in 2005, bridged officials with the Department of Corrections and Community Supervision in fall 2013, including the acting commissioner, Anthony Annucci, as well as Fishkill's superintendent, William J. Connelly, who remained silent this month.

Even so, inmates said the problems have persisted. Five weeks before Mr. Harrell's death, David Martinez, an inmate in Building 21 who was serving time for attempted murder among other charges, filed grievance saying he was being assaulted and harassed by officers, and asking that the officers on letter be described them as "a group ofogue officers" who "go around beating up people."

In July, another inmate, Rickey Rodriguez, said that officers beat him so severely that he lost his two front teeth and had to be hospitalized. He was released from prison, Mr. Rodriguez, who was serving time for attempted murder among other charges, filed grievance saying he was being assaulted and harassed by officers, and asking that the officers on letter be described them as "a group ofogue officers" who "go around beating up people."

Very near future," said Beau Duffy, an agency spokesman. The corrections department said it was cooperating with the State Police.

"Anyone found to have engaged in

Susan C. Beachy contributed research.

any misconduct or in any legal violations will be disciplined and prosecuted," the department said in a statement.

The Times pieced together the events leading to Mr. Harrell's death from 19 affidavits and letters written by inmates and obtained through the law firm Bell & Howell, which is representing Mr. Harrell's family. Most of the inmates shared their affidavits on the condition that their names not be used, because they said they feared retaliation from corrections officers. Three are expected to be interviewed with their names made public.

According to Luis Droubi, a lawyer representing Mr. Harrell's family, Most of the inmates shared their affidavits on the condition that their names not be used, because they said they feared retaliation from corrections officers. Three are expected to be interviewed with their names made public.

At the time, at least nine of the inmates who the firm had been placed at some point in solitary confinement. One said that the firm would soon sue in connection with the death, and that there was a need for the appointment of a special prosecutor to investigate.

The inmates witnessed the encounter from several vantage points, including a day room and bathroom just a few feet away. Two described being at a few feet from the staircase and seeing Mr. Harrell running down.

Inmate witnesses are typically viewed with skepticism by investigators, but the accounts from Fishkill are strikingly consistent. Inmates there are serving sentences for felonies, such as drug crimes and murder, but have earned the right to take part in programs like work-release.

No one could say for sure what set off the confrontation with Mr. Harrell. His wife, Diane Harrell, said that when

### Mental Illness

In prison for drug crimes starting in 2002, he had five disciplinary infractions while incarcerated, including one day before his death that night, Mr. Harrell — who's nickname was "Rock" — told two officers that his wife and step-children had been dispersed. In 2010 he learned he had bipolar disorder and was hospitalized, according to prison records. His earliest release date from prison to this tragic incident.

In prison for drug crimes starting in 2002, he had five disciplinary infractions while incarcerated, including one day before his death, they said, he had been dispersed. In 2010 he learned he had bipolar disorder and was hospitalized, according to prison records.

The officers called for medical and mental health assistance but could not reach anyone, the inmate reported. Soon after, the inmate said that two more officers arrived. "I believe Rock was picked off after seeing all those officers records. No involved violence.

Inmates and family members say that any erratic behavior more likely stemmed from his mental illness. In weeks before his death, they said, he had been dispersed. In 2010 he learned he had bipolar disorder and was hospitalized, according to medical records.

The officers called for medical and mental health assistance but could not reach anyone, the inmate reported. Soon after, the inmate said that two more officers arrived. "I believe Rock was picked off after seeing all those officers records. No involved violence.

Mr. Harrell also had a history of heart disease and drug abuse, which the autopsy report said contributed to his death.

Officials have described abuse of EC by inmates as a problem throughout the state prison system.

On Monday, Mr. Miller, wrote in an email that the union was "endeavoring all efforts before rushing to judgment."

"Rather than simply relying on allegations made by a handful of violent convicted felons," he wrote, "we will continue to work with our partners in law enforcement to ensure a resolution to this tragic incident."

Mr. Harrell had served several stints in prison for drug crimes starting in 2002. He had five disciplinary infractions while incarcerated, including one day before his death, they said, he had been dispersed. In 2010 he learned he had bipolar disorder and was hospitalized, according to prison records.

The officers called for medical and mental health assistance but could not reach anyone, the inmate reported. Soon after, the inmate said that two more officers arrived. "I believe Rock was picked off after seeing all those officers records. No involved violence.

"Rock jumped up and ran," Mr. Camara said. "He was in the day room, watching a playoff game between the Boston Celtics and Cleveland Cavaliers, when he heard a commotion in the hallway. 'Me and other inmates, we hear the walls shaking down, down, down,' he recalled. 'Somebody opened up the door and looked outside, and said, 'Yo, that's Rock they got out there!'"

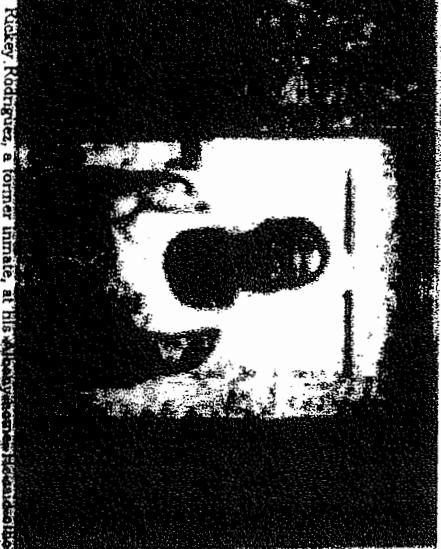
He was on the floor, face down and handcuffed, several inmates said. In short order, a large group of officers converged around him. The inmates identified their advocates and letters identified their officers by name as being involved.

"I saw the officers kicking him, jumping on his head, multiple times and screaming, 'Stop resisting,' even though I didn't see him moving," wrote Mr. Pearson, who has since been released after serving two years on a weapons charge.

None of the affidavits or letters mentioned Mr. Harrell's fighting back or speaking during the encounter. Several said that once he was on the floor, he curled up, stopped moving, and a few of the inmates speculated he may have already been dead by then.

Indeed, Mr. Camara said inmates were surprised that Mr. Harrel, who was over six feet tall and weighed 235 pounds, did not try to defend himself.

"People was even mad, I was mad," he said. "You could hear the franticness in his voice," he added. A half-hour later, Mr. Harrel, who was found to have engaged in



Rickey Rodriguez, a former inmate, at his attorney's office. Rodriguez was beaten so severely that he lost two front teeth and had to be hospitalized.

# **EXHIBIT**

# **W**



**KATHY HOCHUL**  
Governor

# Corrections and Community Supervision

**ANTHONY J. ANNUCCI**  
Acting Commissioner

February 16, 2022

DIN 17A0928                    RODRIGUEZ, Ralph  
CELL MB-09-120

**Re: FOIL Log No. FCF- 0047-2022**

Dear R. Rodriguez:

This is in response to your New York State Freedom of Information Law request for "Copy of Injury Reports made on 12/30/21 and 12/31/21."

Please be advised, we conducted a diligent search, and the Department does not appear to have any responsive records. We are not required to create a document if it does not already exist.

Regards,  
  
F. Wilbur, OAIL/FOIL  
Fishkill Correctional Facility  
18 Strack Dr.  
Beacon, NY 12508

CC: FOIL Records

DEMAND FOR TRIAL BY JURY

102. Plaintiff Humbly Request a Trial by Jury, for all the issues raised within the Claim and Cause of Action, that are both to be included as "The Claim", in its Entirety.

PRAYER FOR RELIEF

103. WHEREFORE, Judgement Should Be Entered In Favor Of Plaintiff And Against All The Defendants, As Follows:

- (a) Compensatory Damages Against All Named Defendants In The Amount To Be Determined.
- (b) Punitive Damages As Against All Named Defendants In An Amount To Be Determined.
- (c) Mental and Emotion Damages As Against All Named Defendants In An Amount To Be Determined.
- (d) Reasonable Attorneys Fees, Together With Cost and Disbursement, Pursuant To The Americans With Disability Act Title II, And Rehabilitations Act Section 504, AND Section 1988, As Well As This Honorable Courts Discretion.
- (e) Pre-Judgement Interest As Allowed By Law.
- (f) Declaratory Relief, REQUESTING THAT THE "CORRECTIONAL EMERGENCY RESPONSE TEAM", BE IMMEDIATELY INVESTIGATED, BAND FROM ENTERING ANY CORRECTIONAL FACILITY UNTIL PLAINTIFFS CLAIM HAS BEEN HEARD BEFORE A TRIAL, AND THE POLICY, CUSTOM AND AUTHORITY AUTHORIZING C.E.R.T BE REVIEWED BEFORE CONGRESS AND A SUPERVISING GOVERNMENTAL AGENCY THAT IS "NOT AFFILIATED WITH THE DEPARTMENT OF CORRECTIONS", BE AUTHORIZED TO SUPERVISE C.E.R.T DIRECTLY DURING ANY AND ALL DEPLOYMENT".
- (g) Such Any Other Relief This Court Deems Just And Proper.

Plaintiff Humbly Request That This Honorable Court Please Excuse Any Errors Made As Plaintiff Is Pro-Se, And Is Not A Lawyer Or Fully Familiar With The Law Or Rules Of Court

RESPECTFULLY SUBMITTED BY

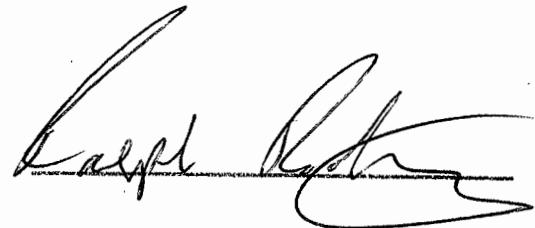
11-23-22

  
Ralph Rodriguez

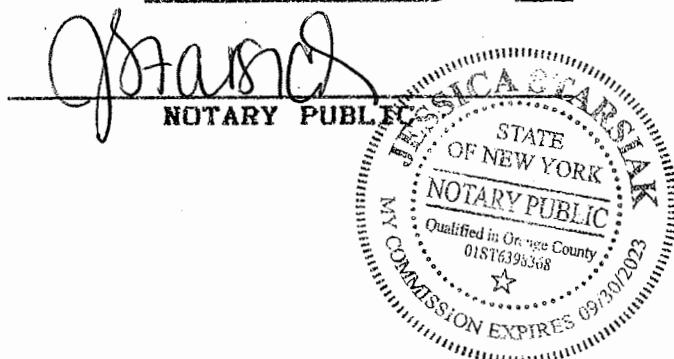
VERIFICATION

STATE OF NEW YORK )  
) S.S.:  
COUNTY OF DUTCHESS)

Ralph Rodriguez being duly sworn, deposes and says that he is the Petitioner in the within proceeding and that he has read the foregoing Petition and knows the contents thereof; that the same is true to his own knowledge except as to matters therein stated to be alleged on information and belief, and that as to those matters he believes it to be true.



SWORN TO BEFORE ME THIS 21<sup>st</sup>  
DAY OF October, 2022



AFFIDAVIT OF SERVICE

STATE OF NEW YORK )  
) S.S. :  
COUNTY OF DUTCHESSE)

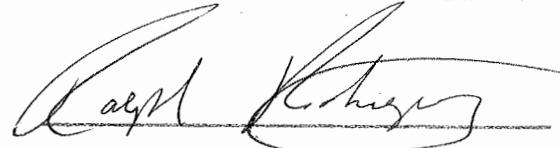
Ralph Rodriguez being duly sworn, deposes and states:

1. I am over the age of 18 and reside at Fishkill Correctional Facility, P.O. Box 1245, Beacon, New York 12508-8245.
2. On 11-23-22, I served the within: §1983 Federal Civil Rights claims

upon:  
Southern District of NY  
500 Pearl Street  
New York, NY 10007  
at the following address:

and State of New York  
Office of the Attorney  
General  
Capital Building  
Albany, NY 12224

by depositing a true copy of the within in a post paid properly addressed wrapper, in an official depository under the exclusive care and custody of the Department of Correctional Services of New York.



SWORN TO BEFORE ME THIS

DAY OF 20

NOTARY PUBLIC

Ralph Rodriguez  
Dint# 17AD928  
Fishkill Correctional Facility  
P.O Box 307  
Beacon NY 12508

FISHKILL  
CORRECTIONAL  
FACILITY



PRIORITY MAIL  
11/21/2022  
US POSTAGE \$010.20  
ZIP 12508  
041L11251113

Legal  
Mail  
2

NEW YORK Southern District  
Daniel Patrick Moynihan U.S. Courthouse  
Pro-Se Department  
500 Pearl Street  
New York, NY 10007

U.S.M.<sup>P3</sup>  
SDNY

